

## **REMARKS**

Claims 1-7 and 10-12 are pending and under consideration in the above-identified application. Claims 13-23 were withdrawn pursuant to a restriction requirement dated May 29, 2008 and claim 8 was cancelled previously.

In the Office Action dated September 1 2010, the Examiner rejected claims 1-7 and 10-12.

With this Amendment, claims 1 and 2 were amended. No new matter has been introduced as a result of the Amendment.

### **I. Objection to Claims**

The Examiner objected to claim 2 to for failing to further limit the subject matter of the previous claim. In response, Applicant amended claim 2 and as such now believes that the Examiner's objection is moot. Accordingly, Applicant respectfully requests that the above rejection be withdrawn.

### **II. 35 U.S.C. § 103 Obviousness Rejection of Claims**

Claims 1-7 and 10-12 were rejected under 35 U.S.C. § 103(a) as being anticipated by Yamada et al. (JP 2003-192925, 2005/0143502 as English equivalent) in view of Tanaka et al. (U.S. Patent No. 5,693,786) and Yoshida (US Publication No. 2002 0151631). Applicant respectfully traverses this rejection.

The claims require a flame retardant biodegradable resin composition that includes a biodegradable polysaccharide containing at least one of acetyl cellulose and esterified starch.

Neither Yamada et al. or Yoshida teach or even fairly suggest a biodegradable resin composition that includes a biodegradable polysaccharide containing at least one of acetyl cellulose and esterified starch as required by the claims. The Examiner argues that the Tanaka et al. teaches an esterified starch, and that a person having ordinary skill in the art would have been

motivated to combine Tanaka et al. with Yamada et al. and Yoshida “in order to receive the expected benefit of using a resin which has good flexibility, toughness and water-related properties for practical use.” Office Action, page 4. Moreover, the Examiner states that the cited references are combinable because the cited references are concerned with biodegradable starches. *Id.*

Applicant disagrees. Both Yamada et al. and Yoshida are clearly directed towards flame-retardant polymer materials, whereas Tanaka et al. is solely directed towards an esterified starch. Indeed, nowhere does Tanaka et al. teach that an esterified starch would be a suitable component of a flame retardant material. Additionally, as acknowledged by the Examiner, both Yamada et al. and Yoshida et al. also fail to teach an esterified starch in a flame retardant material.

As such, none of the cited references provide any reason which would have prompted one of ordinary skill to modify the inventions disclosed by Yamada et al., Yoshida and Tanaka et al. so as to reach the requirements of the present claims. Furthermore, the Examiner has provided no evidence that there would have been a reasonable expectation of success of such modification because Tanaka et al. does not suggest that esterified starch is a suitable component of flame retardant materials. MPEP § 2143; *KSR Int'l Co. v. Teleflex Inc.*, 550 U.S. \_\_\_, Slip Op No. 04-1350, 119 Fed. Appx. 282 (April 30, 2007). As such, the above cited references fail to teach or even fairly suggest all the required elements of the claims. Thus independent claim 1 is patentable over the cited references as are dependent claims 2-7 and 10-12 for at least the same reasons. Accordingly, Applicant respectfully requests that the above rejection be withdrawn.

### **III. Conclusion**

In view of the above amendments and remarks, Applicant submits that all claims are clearly allowable over the cited prior art, and respectfully requests early and favorable notification to that effect.

Respectfully submitted,

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